

ADMINISTRATIVE ORDER NO. 2002-6

AN ADMINISTRATIVE ORDER  
BY THE MAYOR

AN ADMINISTRATIVE ORDER TO  
REQUIRE EMPLOYEES IN THE  
DEPARTMENT OF FINANCE TO  
SUBMIT TO A BACKGROUND  
INVESTIGATION

RECEIVED

JUN 28 2002

WAG  
MUNICIPAL CLERK

**WHEREAS**, the Department of Finance is an integral agency of city government because of the nature of its functions and duties; and

**WHEREAS**, the Department of Finance is charged with the responsibility of maintaining the general accounts of the City, processing payment of all disbursements, administering payroll and pension, collecting revenues, auditing accounts and financial transactions, administering treasury functions including the investment of City funds, administering licensing procedures, providing for the issuance of bonds, performing financial planning and analysis, and other finance-related activities; and

**WHEREAS**, it is in the best interest of the City of Atlanta to employ personnel in the Department of Finance who demonstrate attributes of strong personal and professional integrity; and

**WHEREAS**, it is incumbent upon the City of Atlanta to make a concerted effort to verify the personal and professional character of employees in the Department of Finance;

**NOW THEREFORE, I, SHIRLEY FRANKLIN**, Mayor of the City of Atlanta, hereby order as follows:

**Section 1:** That employees in the Department of Finance are required to undergo a background investigation which shall include criminal records check, credit history, driving records check, educational background and experience, professional licensure record (where applicable), right to work authorization (where applicable), military record, and property tax record.

**Section 2:** That this policy shall apply to prospective and existing employees.

**Section 3:** That prospective and existing employees shall sign a release which authorizes the City to conduct a background investigation. Failure to authorize the release or providing false information shall be a basis upon which to withdraw

a conditional offer of employment or may be grounds for termination if already employed.

**Section 4:** That documents gathered in the course of this detailed background investigation shall be maintained by the Department of Personnel and Human Resources in a secured file separate from an applicant's/employee's personnel file. Although the City will endeavor to protect exempt information, applicants shall be notified that this investigation or parts thereof may be subject to public disclosure under the Georgia Open Records Act, O.C.G.A. Section 50-18-70, *et seq.*

SO ORDERED THIS 28<sup>th</sup> day of June, 2002.

  
SHIRLEY FRANKLIN, MAYOR  
CITY OF ATLANTA

**Approved as to Form:**

  
\_\_\_\_\_

**City Attorney**

  
DEPUTY MUNICIPAL CLERK

# DECISION RULES

1. Discovery of the following shall constitute a basis upon which to withdraw a conditional offer of employment or may be grounds for termination if already employed.

A. Criminal offenses which may be bars to employment:

►If the applicant or employee has, within the immediately preceding 10 year period pled guilty, been convicted, or found not guilty by reason of insanity for a felony, including but not limited to:

- Abuse of government property
- Aggravated assault
- Aggravated battery
- Aggravated sodomy
- Armed or other felonious robbery
- Arson
- Bribery
- Burglary
- Criminal breach of fiduciary duties
- Child abandonment
- Child molestation
- Cruelty to children
- Dishonesty, fraud or misrepresentation
- Espionage, kidnapping or hostage taking
- Extortion
- Forgery
- Fraud
- Hijacking
- Homicide
- Illegal possession, use, consumption, sale, distribution, importation or manufacture of a controlled substance or illegal drug
- Illegal possession, use, sale, distribution or manufacture of an explosive device, firearm or other destructive device
- Interference with government property
- Perjury or false swearing
- Possession or distribution of stolen property valued in excess of \$100
- Rape, attempted rape, sexual assault or sexual battery, sexual harassment
- Sexual exploitation of children
- Stalking
- Tax Evasion
- Theft of property or services valued in excess of \$100
- Treason or Sedition

or any other felony offense committed in another jurisdiction which, if committed in this state, would constitute one of the enumerated crimes listed above.

B. The following information shall not act as an absolute bar to employment, but may be considered in conjunction with all other aspects of the candidate or employee's history.

► Having been convicted or pled guilty to any misdemeanor or traffic offense, including driving under the influence of drugs or alcohol, within the immediately preceding 5-year period

► A current pattern of financial irresponsibility as demonstrated by bankruptcy filings, defaulted federal student loans, failure to pay court-ordered child support, a negative credit report, or a failure to file or pay federal, state or local tax obligations as they become due.

► Suspension, discharge, revocation or modification of a required professional or vocational license or permit.

2. Discovery of unsatisfactory background investigation results shall be revealed to and discussed with the candidate or employee. Where the candidate or employee can demonstrate and provide independent verification that item(s) of information are erroneous, his or her application or employment may be reevaluated. Where the candidate or employee can provide extraordinary mitigating factors or can demonstrate dramatic rehabilitation from a disqualifying offense, employment may be extended or maintained, solely at the discretion of the Mayor.